

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
July 7, 2009
6:30 PM**

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. Approval of meeting minutes of June 15, 2009
 - B. Acceptance of the minutes of the Planning Commission meeting held June 11, 2009.
 - C. Approval of an Architect-Engineer contract with Crafton, Tull, Sparks & Associates, Inc., for an engineering study of reconstruction of Old Town streets
 - D. Approval of Budget Amendment #14 (FINAL) For Fiscal Year 2008-2009
 - E. Approval of an Interlocal Agreement between the Union School District and the City of Broken Arrow
 - F. Approval of Memorandum of Understanding between the City of Broken Arrow and the City of Tulsa for administration by the City of Tulsa of grant funds awarded to the Broken Arrow Police Department in the amount of \$26,060.00
 - G. Approval of payroll calendar for Fiscal Year 2009-2010
 - H. Approval of purchase for OpenSky/P25 Communications System Upgrade and Authorization to Execute Budget Amendment Number 1 for Fiscal Year 2009-2010
 - I. Approval of a Resolution Amending the Qualified Retirement Plan of the City of Broken Arrow
 - J. Approval of a Resolution Amending and Restating the City of Broken Arrow's Deferred Compensation Plan
 - K. Approval of a Resolution Amending the ICMA Retirement Corporation Blue Line 457 Deferred Compensation Plan and Trust
 - L. Approval of a Resolution to request programming of Federal Fiscal Year 2013 Tulsa Urbanized Area Surface Transportation Funds for 23rd Street Improvements between Kenosha and Houston Streets
 - M. Approval of a Resolution authorizing the City Attorney to confess judgment without admitting liability in the District Court of Tulsa County, Nicholas Overstreet v. City of Broken Arrow, Case Number CJ-2008-05994, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry incorporating this Resolution for the Court's approval pursuant to 51 O.S. § 158

- N. Approval of a Resolution authorizing the City Attorney to confess judgment without admitting liability in the District Court of Tulsa County, Michael Overstreet v. City of Broken Arrow, Case Number CS-2008-07043, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement including a Journal Entry incorporating this Resolution for the Court's approval pursuant to 51 O.S. § 158
- O. Approval of a Resolution authorizing the City Attorney to agree to entry of judgment in the case of The City of Broken Arrow, Oklahoma v. Kyle E. Hunt and Rebecca Hunt, et al., Tulsa County District Court Case Number CJ-2008-7326 and directing the City Attorney to effectuate settlement, including a Journal Entry for the Court's approval, pursuant to 51 O.S. § 158.
- P. Approval of request for water and sewer service to temporary sales trailer located at Eagle Ridge Village
- Q. Approval of BAZ 1829, 0.19 acres, 1 lot, A-RS-3 to RS-3, one-fourth mile east of 23rd Street (193rd East Avenue/County Line Road), and one-fourth mile north of Omaha Street (51st street).
- R. Approval of BAZ 1831, 2.18 acres, 1 lot, AR-1 to RS-1, one-half mile east of Elm Place (161st East avenue) and one-half mile north of Jasper Street (131st Street) at 16750 East 127th East Avenue
- S. Acceptance of a General Warranty Deed from William K Warren Medical (S28T18Nr14E) (Project: Aspen Ave Widen Florence to New Orleans)
- T. Acceptance of a General Warranty Deed from The William K. Warren Medical research Center, Inc (S28T18NR14E)(Project: Aspen Ave Widen Florence to New Orleans)
- U. Acceptance of a Drainage Easement, Detention Easement and a Temporary access Easement from Coach Port, LLC (S20 T18N R15E) (Project: Coach Port DN08-169)
- V. Acceptance of Public Improvements Aspen Point
- W. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. Appeal from denial by the Planning Commission of plat waiver in connection with BACP 76 and BAZ 1755, 29.9 acres, one-quarter mile south of Omaha Street (51st Street), east of 23rd Street (County Line Road/193rd East Avenue).
- B. Award: Presentation and approval of the "Employee of the Quarter" award recognizing Jeremy Roberts for the term April through June 2009
- C. Presentation: Financial Status Briefing as of May 31, 2009

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services

9. General Council Business

- A. Consideration of retaining a management consulting firm to assist the City Council in the recruitment of a City Manager.

- B. Consideration of appointment of Randy Cherry to fill one vacancy on the Board of Adjustment created by the expired term of Rene' L. Ray.
- C. Consideration of appointment of Acting City Manager to represent the City of Broken Arrow on the Broken Arrow Chamber of Commerce Board of Directors
- D. Consideration of appointment of Lee Zirk to represent the City of Broken Arrow as Trustee on the Metropolitan Environmental Trust Board of Trustees
- E. Consideration of appointment of Ken Schwab to represent the City of Broken Arrow on the Regional Metropolitan Utility Authority

10. City Manager's Report

- A. Citizen's Survey
- B. Receive Report reviewing 911 Services

11. Preview Ordinances

- A. An ordinance vacating a utility easement located on an unplatted property in section 8, township 17 North, Range 14 East of the Indian Base Meridian as dedicated by separate instrument Book 3987 Page 511
- B. An ordinance amending the Broken Arrow Code, Chapter 25, Section 25-304(a)(1) and 25-304(a)(6) by adding an updated flood study, revising the elevation benchmark reference, repealing all ordinances in conflict therewith, providing for severability , and declaring an emergency

12. Ordinances

- A. Ordinance No. 3042 An Ordinance amending Chapter 4, Article I, Section 4-1 of the Broken Arrow Code pertaining to Definitions; repealing all Ordinances to the contrary; and declaring an emergency
- B. Ordinance No. 3043 An Ordinance amending Chapter 4, Article II, Section 4-13 of the Broken Arrow Code pertaining to transporting intoxicating beverages in open containers and possession in public places; repealing all Ordinances to the contrary ad declaring an emergency
- C. Ordinance No. 3044 An Ordinance amending Chapter 4, Article V, Section 4-86 of the Broken Arrow Code pertaining to transporting low point beer in opened containers and possession in public places; repealing all Ordinances to the contrary and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

- 14. Executive Session** for the purpose of confidential communications between the City Council, the Acting City Manager and the City Attorney for the purpose of discussing and taking possible action on the proposed purchase and appraisal of 133.05 acres of real property located along the Creek Turnpike between Aspen Avenue and Elm Avenue, in Broken Arrow, Tulsa County, Oklahoma; the potential purchase and appraisal of property located in the 2800 Block of East Kenosha also known as Comino Villa; the purchase and appraisal of land located North of Albany and East of Elm Place for a conference center; all under 25 O.S. § 307(B)(3); Litigation involving City of Broken Arrow, Oklahoma v. Helen M. Blankenship, Trustee of the Helen M. Blankenship Living Trust, Tulsa County District Court Case Number CJ-2008-01125; City of Broken Arrow v. Ray H. Wilburn, Tulsa County District Court Case Number CJ-2006-5913;

Robert J. Burton, a married person v. The City of Broken Arrow, Oklahoma, Tulsa County District Court Case Number CJ-2009-02468; and State of Oklahoma, ex rel., Karen Franklin v. Horizon Construction Company, et al., Tulsa County District Court Case Number: CJ-2008-8620, all under 25 O.S. § 307(B)(4); The Council is advised that disclosure will seriously impair the ability of the public body to process this pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2009, at _____ a.m./p.m.

City Clerk